

The Honorable Robert S Lasnik

JAMES MCDONALD
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In Pro Per

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re:)	NO.: C10-1952RSL
)	
)	
JAMES MCDONALD)	Plaintiff's Reply to Defendant's
Plaintiff)	Response to Plaintiff's Motion
v)	for Reconsideration of FCRA Claim
ONEWEST BANK, FSB, et al.,)	
Defendants.)	Noting Date: March 23, 2012
)	

COMES NOW Plaintiff James McDonald and files this Reply to Defendant's Response to Plaintiff's Motion for Reconsideration on allowing Plaintiff's FCRA Claim to remain and be heard in the First Amended Complaint.

Counter Argument to Response

The Defendants' argument against allowing the FCRA claim as stated in the First Amended Complaint breaks down into two parts. First, that Plaintiff has no proof that Defendant OneWest actually conducted an investigation as required when receiving an inquiry from the credit bureaus. The Second part is that TransUnion, Equifax and Experian did not notify Defendant OneWest of the dispute.

In the first part of the Defense Counsel's argument Miss Buck indicates that Plaintiff has no proof that OneWest conducted the investigation as required by the FCRA. This is true. Plaintiff has not been able to conduct any discovery on any new claims in the Amended Complaint. The discovery period ended on February 5, 2012. The Amended Complaint was not approved in part until February 21, 2012. However, unless the Defendant OneWest is admitting through their counsel that they did not conduct an investigation, in further violation of the FCRA, they are well aware that they did indeed respond to the credit bureaus as noted below.

1 The credit bureaus: Trans Union, Experian and Equifax, are governed by the FCRA in how they handle a
 2 credit dispute. Plaintiff has provided the Court with the process in Exhibit 1 attached to this Reply. The
 3 credit bureau receives the dispute from the individual making the dispute. They then contact the "creditor"
 4 (or in this case the party that claims to be the creditor as OneWest has). The creditor then has 30-45 days
 5 to respond. If no response is received, the information is removed from the individual's credit report. If they
 6 do respond, the credit bureau simply takes their word for it rather than take any deeper investigation into
 the matter. The credit bureaus are not on trial in this matter, yet the Defense has made a veiled allegation
 that ALL THREE bureaus individually failed to comply with their duty and the law.

7 The evidence the Defendants claim Plaintiff does not have is in fact present in the evidence that Plaintiff
 8 had contacted the bureaus and that the bureaus had complied with their duty. The exhibit that was included
 9 in the Motion clearly states that their investigations had been concluded. Had the investigation(s) not been
 10 concluded they would have removed the information from the credit report as Exhibit 1 shows the standard
 11 policy is.

12 In the Motion for Reconsideration, Plaintiff declared under the penalty of perjury that everything stated,
 13 including the exhibit, was true. Plaintiff has made a valid claim in the First Amended Complaint. The
 14 Defendants are welcome to argue their defense at the trial that is soon approaching; however Plaintiff has,
 15 in his opinion, met the requirements of making his claim.

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19 **/s/ James McDonald -**
James McDonald
Pro Se

20 **Certificate of Service**

21 I hereby certify that on the 19 day of March, 2012 the foregoing was electronically filed with the
 22 Clerk of the Court using the ECF system, which sent notification and therefore served the following:
 Heidi Buck
 Routh Crabtree Olsen
 23 13555 SE 36th ST Suite 300
 24 Bellevue, WA 98006

25 **/s/ James McDonald -**
James McDonald
Pro Se